



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Vice-Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4

Jaime De La Cruz  
District No. 5  
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

## REGULAR MEETING AGENDA AUGUST 14, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors De La Cruz, Botelho, Rivas, Muenzer and Barrios were present. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chairman De La Cruz presided.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

### c) PRESENTATIONS AND RECOGNITIONS:

#### **SHERIFF'S DEPARTMENT – D. Thompson:**

Supervisor Barrios **presented** the Certificate of Recognition and plaque to Sheriff K9 "Dix" for over 8 years of service to San Benito County and its citizens upon his retirement on August 15, 2012.

- d) **Public Comment:** Don Amador presented letters of commendation and plaques of appreciation to the Board members from The Blue Ribbon Coalition for their actions in regards to Clear Creek.

Ed Tobin spoke in support of Clear Creek, the next steps to be taken and what they would be working on.

Pat Loe indicated that she missed the meeting regarding the new General Plan. She felt the Board had missed an important point and that developers had information that the public did not. She felt the draft should be released to the public. She requested that they give the public the same information the development community has.

- e) **Department Head Announcements:** There were no announcements.
- f) **Board Announcements:** Supervisor Botelho reported that he had been at a meeting in Aromas the previous week regarding hydraulic fracturing for oil and gas extraction in the community. He congratulated the Planning Department and Byron Turner for being well prepared in answering questions.

Supervisor Barrios reported on hearing Sam Farr speak. She further spoke of the Pinnacles Monument becoming a National Park and the opening of Clear Creek. She thanked Supervisor Muenzer for going to Washington regarding the Pinnacles Monument and hoped that San Benito County would become a destination area. She indicated that she and Supervisor Botelho as the ad hoc facilities committee met regarding the old hospital. She felt it could be more and would like to get the Board's approval to give direction to the CAO to get an appraisal.

Chairman De La Cruz recalled that a few years ago the Board had given that direction under previous CAO Susan Thompson.

CAO Inman explained that the assessment was done relative to environmental problems existing there.

Supervisor Barrios stated that they were done in 2009 and 2011 particularly for the hazard reason and they had those documents. She indicated this appraisal would be more about value.

Chairman De La Cruz wanted to agendize the matter and wanted to know the cost.

Supervisor Botelho stated that they were just following budget consensus to follow up on the matter.

Supervisor Muenzer stated that he had attended Sam Farr's town hall meeting as well. He spoke of the progress of the Pinnacles National Park bill.

Supervisor Rivas reported that the Jazz Under the Stars event would be held on Saturday, August 18<sup>th</sup> from 6:30 to 9:30 at St. Benedict's Hall to benefit the Homeless Coalition and that you could call 831-637-8399 to get tickets.

Chairman De La Cruz indicated that he had an interesting dinner with Sam Farr the night before. He asked for the celebration of the Pinnacles National Park to be on the San Benito County side and that former supervisors Reb Monaco and Pat Loe be included in the groundbreaking or any type of celebration. He noted that they would be changing item # 4 & # 5 on the consent agenda be moved to regular agenda as items #14.1 and #14.2.

#### **CONSENT AGENDA:**

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **approved** Consent Agenda items with the exception of Items 4 and 5 which were moved to the regular agenda and item 9 which was pulled for discussion.  
(Unanimous)*

#### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the Department of Food & Agriculture to provide Sudden Oak Death quarantine enforcement work for the period of July 1, 2012 through June 30, 2013, for a total amount of \$604.18. *File #1.1*

#### **ASSESSOR – T. Slavich:**

- 2) **Adopted Resolutions No. 2012-42, 2012-43, and 2012-44 establishing** Agricultural Preserves for Waters, Waters Trust and Spencer/Schmidt/Henzi and **authorized** the Chairman to sign the Land Conservation Act contracts. *File #7*

**CLERK OF THE BOARD – D. Thome:**

- 3) **Approved** the action minutes of the June 19, 2012 and July 10, 2012 regular meetings.

**COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 4) **Approve agreement with Fairbank, Maslin, Maulin, Metz and Associates, for survey research services pertaining to the formation of a special district and revenue measure to provide parks, recreation, and library services for the period August 14, 2012 through June 30, 2013, in the amount of \$20,200.**

This item was moved to the regular agenda as item 14.1.

Management Analyst Janelle Cox gave a staff report.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios **approved** agreement with Fairbank, Maslin, Maulin, Metz and Associates, for survey research services pertaining to the formation of a special district and revenue measure to provide parks, recreation, and library services for the period August 14, 2012 through June 30, 2013, in the amount of \$20,200. (Unanimous) File #119*

**COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 5) **Approve agreement with Meyers Nave, for legal services pertaining to the formation of a special district and revenue measure to provide parks, recreation, and library services for the period August 14, 2012 through June 30, 2013, in the amount of \$24,575.**

This item was moved to the regular agenda as item 14.2.

Management Analyst Janelle Cox gave a staff report.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** agreement with Meyers Nave, for legal services pertaining to the formation of a special district and revenue measure to provide parks, recreation, and library services for the period August 14, 2012 through June 30, 2013, in the amount of \$24,575. (Unanimous) File #119*

**COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 6) **Approved** communications agreement to provide services to the City of Hollister for technology link, radio infrastructure, maintenance and alternate PSAP for the term to begin retroactively from July 1, 2012 through June 30, 2017 at a cost of \$65,946 and a CPI adjustment in subsequent years. *File #116*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 7) **Approved** the revised San Benito County Workforce Investment Board (WIB) Bylaws. *File #130*

**HUMAN RESOURCES – J. Credico:**

- 8) **Adopted Resolution No. 2012-45 authorizing** the County schedule of office closures for 2012/2013. *File #630*

**HUMAN RESOURCES – J. Credico:**

- 9) **Adopt resolution regarding County office hours and days of operation. (Res. 2012-46)**

This item was pulled for discussion.

Supervisor Barrios felt it needed to be stated on the sheet "closed on Fridays" for the offices that were.

Management Analyst Jacki Credico expressed that she understood Supervisor Barrios's concern and asked that they adopt the resolution and she would change the attachment.

Chairman De La Cruz asked for confirmation that offices closed on Fridays did not change the hours of the employees.

Management Analyst Credico replied that yes the offices were manned, but closed to the public and no phone calls.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2012-46** with the addition of "closed on Fridays" to be added to the days closed attachment. (Unanimous) File #630*

### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 10) **Approved** contract with the California Conservation Corps to perform storm drain marker maintenance and public refuse and recycling container maintenance for the period from July 1, 2012 through June 30, 2013 in the amount of \$18,000 and **authorized** the Director of Integrated Waste Management to sign said contract.  
*File #142*

The Board adjourned into closed session at 9:34 a.m. and reconvened into regular session at 11:23 a.m. County Counsel Matt Granger noted that Linzie Daniel was also present.

### **CLOSED SESSION:**

- 11) **Conference with Labor Negotiators**  
**Authority: Government Code Section 54957.6**  
**Agency designated representatives: County Administrative Officer, Rich Inman and Human Resources Analyst Jacki Credico**  
**Employee Organizations: SEIU, DSA, MEG**  
*No reportable action was taken. File #235.6*
- 12) **Conference with Legal Counsel-Anticipated Litigation**  
**Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Number of Cases (1)**  
**Closed session is authorized by Section 54956.9(b)(3)(A)**  
*No reportable action was taken. File #235.6*

### **REGULAR AGENDA:**

#### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 13) **Receive report and presentation on the status of the San Benito River Parkway Conceptual Master Plan project and provide direction to staff.**  
Supervisor Botelho abstained from the item and stated that his family owned property along the river.  
Management Analyst Janelle Cox gave a staff report.  
Capital Project Manager Adam Goldstone gave a staff report.

Allison Hobbs of SSA Landscape Architects, Inc. gave a PowerPoint presentation.

There was no public comment.

Supervisor Botelho was back in the meeting at this time. *File #105*

**COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 14) **Approve grant agreement with The Health Trust for funding to complete the feasibility analysis pertaining to the establishment of a special district to support parks, recreation, and library services, for the period August 1, 2012 through January 31, 2013 in the amount of \$61,500 and approve the budget adjustment appropriating the grant funds. (4/5 vote)**

Management Analyst Janelle Cox gave a staff report.

Board members thanked staff for their work.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** grant agreement with The Health Trust for funding to complete the feasibility analysis pertaining to the establishment of a special district to support parks, recreation, and library services, for the period August 1, 2012 through January 31, 2013 in the amount of \$61,500 and **approved** the budget adjustment appropriating the grant funds. (Unanimous 5-0) File #119*

Items 4 and 5 from the Consent Agenda which were changed to Items 14.1 and 14.2 were heard at this time. See Items 4 and 5 for minutes.

At this time the Chair allowed public comment on item #16 so the speakers would not have to come back for the afternoon session.

**PUBLIC COMMENT RE: ITEM #16:**

Cindy Parr, Executive Director of the Homeless Coalition, stated that they had an awesome relationship with the Sheriff's Department. She stated that she was coming to them as a community member and expressed that it troubled her that they would allow leaving the library open as opposed to our safety. She offered her services researching medical insurance.

**COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 15) **Approve two (2) agreements with Janet Norris; 1) to provide assistance with County's Property Tax responsibilities for the period from July 9, 2012 through September 30, 2012, in an amount not to exceed \$14,000, 2) to provide assistance with the dissolution of the Redevelopment Agency of Hollister for the period from July 9, 2012 through September 30, 2012, in an amount not to exceed \$10,000.**

County Administrative Officer Rich Inman gave a staff report.

County Auditor Joe Paul Gonzalez explained the contracts.

Supervisor Barrios stated that there should be a change on the second contract because attachment A was the same as the first one.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** two (2) agreements with Janet Norris; 1) to provide assistance with County's Property Tax responsibilities for the period from July 9, 2012 through September 30, 2012, in an amount not to exceed \$14,000, 2) to*

*provide assistance with the dissolution of the Redevelopment Agency of Hollister for the period from July 9, 2012 through September 30, 2012, in an amount not to exceed \$10,000. File #608*

**HUMAN RESOURCES – J. Credico:**

- 16) **Consider proposed reductions to county positions due to County's dire budget situation to be presented at meeting and approve reductions to county positions.**

Management Analyst Jacki Credico gave a staff report.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho approved reductions to county positions and directed staff to bring back the rest of the list to the Board with layoffs not included on the list and change the date from 9/1/12 to 11/1/12 for the Management Analyst. (Unanimous) File #630*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 17) **Adopt resolution to support Extended Producer Responsibility including joining the California Product Stewardship Council with an annual fee of \$1,500.**

Director of Integrated Waste Management Mandy Rose gave a staff report.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, adopted Resolution No. 2012-47 to support Extended Producer Responsibility including joining the California Product Stewardship Council with an annual fee of \$1,500. (The motion passed 3 to 2 with Supervisors De La Cruz and Barrios voting no) File #142*

**SITTING AS THE PUBLIC AUTHORITY FOR IN- HOME SUPPORTIVE SERVICES:**

*The Board adjourned as the Board of Supervisors and reconvened as the IHSS Public Authority re:*

**HUMAN RESOURCES – J. Credico:**

- 18) **Discuss staffing at Public Authority and give direction to Human Resources.**

Management Analyst Jacki Credico gave a brief report and asked for direction regarding staffing. She noted that her recommendation would be to do a reclassification of the Office Assistant II to something in the middle of an Office Assistant II and Manager, after she had performed a desk audit. She suggested something like a Public Authority Coordinator.

CSWD Deputy Director Enrique Arreola suggested the classification of Public Authority Specialist.

Chairman De La Cruz stated that a motion was not necessary and gave direction to proceed. *File #130.1*

The Board adjourned as the IHSS Public Authority and reconvened as the Board of Supervisors re:

**PUBLIC HEARINGS – 11:00 A.M. (Or as soon thereafter as the matter may be heard)**

**PLANNING DEPARTMENT – G. Armstrong:**

- 19) **Hold a Public Hearing to review the project record and Planning Commission Resolution #2012-05; review and consider the proposed zone change; make the CEQA and zone change findings set forth in the attached staff report; approve and adopt the Mitigated Negative Declaration and mitigated monitoring and reporting program and adopt Ordinance approving Zone Change No. 12-175 (304 Carpenteria Avenue, Aromas, CA. Applicant: Jose Alvarez) based on the findings and conditions of approval reflected in the Board report as recommended by the Planning Commission. (Ord. No. 900)**

Planning Director Gary Armstrong gave a staff report.

The Chairman opened the public hearing. There being no public comment, the Chairman closed the public hearing.

*Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **reviewed** the project record and Planning Commission Resolution #2012-05; **reviewed** and **considered** the proposed zone change; made the CEQA and zone change findings set forth in the attached staff report; **approved** and **adopted** the Mitigated Negative Declaration and mitigated monitoring and reporting program and **adopted Ordinance No.900 approving** Zone Change No. 12-175 (304 Carpenteria Avenue, Aromas, CA. Applicant: Jose Alvarez) based on the findings and conditions of approval reflected in the Board report as recommended by the Planning Commission. (Unanimous) File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 20) **Hold a Public Hearing to consider proposed amendments to Article VII of Chapter 21.01 of Title 21 of the San Benito County Code pertaining to Agricultural Building Exemptions; read the title of the Ordinance for the record: “An Ordinance Amending Article VII of Chapter 21.01 of Title 21 of the San Benito County Code; make the CEQA findings set forth in Exhibit A to the AIT; accept introduction and waive further reading of the ordinance; and continue the matter to August 21, 2012 at 9:00 a.m. for adoption of said ordinance.**

Planning Director Gary Armstrong gave a staff report.

Supervisor Rivas thanked staff for all the work done.

Supervisor Barrios expressed concern that it showed a minimum of 5 acres.

Director Armstrong explained that it identified 5 acres as a minimum parcel.

The Chair opened the public hearing. There being no public comment, the Chair closed the public hearing.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, held a Public Hearing to consider proposed amendments to Article VII of Chapter 21.01 of Title 21 of the San Benito County Code pertaining to Agricultural Building Exemptions; **read** the title of the Ordinance for the record: “An Ordinance Amending Article VII of Chapter 21.01 of Title 21 of the San Benito County Code; make the CEQA findings set forth in Exhibit A to the AIT; **accepted** introduction and **waived** further reading of the ordinance; and*

*continued* the matter to August 21, 2012 at 9:00 a.m. for adoption of said ordinance. (Unanimous) File #790

Supervisor Muenzer noted that he would be out of town on August 21, 2012.

**PLANNING DEPARTMENT – G. Armstrong:**

- 21) **Hold a Public Hearing on zone change 11-173; review the project record and Planning Commission Resolution #2012-07; adopt the CEQA and Zone Change findings set forth in Attachment “A” to the AIT; approve and adopt the Negative Declaration; and adopt ordinance adding Article VII to Chapter 25.13 of Title 25 of the San Benito County Code regarding the definition of an Emergency Shelter combining zoning district and properties to be subject to this zone. (Ord. No.901)**

Assistant Planning Director Byron Turner gave a staff report.

Supervisor Barrios expressed concern that both areas have potential for commercial corridors. She asked if that was a good mix.

Assistant Planning Director Turner stated that it was consistent with the City's designation.

The Chair opened the public hearing. There being no public comment the Chair closed the public hearing.

Assistant Planning Director Turner indicated that they had amended CEQA findings.

The Chair re-opened the public hearing. There being no public comment the Chair closed the public hearing.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer held a Public Hearing on zone change 11-173; **reviewed** the project record and Planning Commission Resolution #2012-07; **adopted** the amended CEQA and Zone Change findings set forth in Attachment “A” to the AIT; **approved** and **adopted** the Negative Declaration; and **adopted Ordinance No. 901** adding Article VII to Chapter 25.13 of Title 25 of the San Benito County Code regarding the definition of an Emergency Shelter combining zoning district and properties to be subject to this zone. (Unanimous) File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 22) **Hold a Public Hearing to review the project record and Planning commission Resolution 2012-08; adopt the CEQA and Zone Change findings set forth in Attachment A to the AIT; approve and adopt the Negative Declaration; and adopt Ordinance adding Section 25.29.016 to Chapter 25.29 of Title 25 of the San Benito County Code, regarding agricultural employee housing. (Ord. No. 902)**

Assistant Planning Director Byron Turner gave a staff report.

The Chair opened the public hearing. There being no public comment, the Chair closed the public hearing.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, held a Public Hearing to review the project record and Planning commission Resolution 2012-08; **adopted** the CEQA and Zone Change findings set forth in Attachment A to the AIT; **approved** and **adopted** the Negative Declaration; and **adopted Ordinance No. 902** adding Section 25.29.016 to Chapter 25.29 of Title 25 of the San Benito County Code, regarding agricultural employee housing. (Unanimous) File #790*



The Board adjourned into Closed Session at 2:38 p.m. and reconvened into regular session at 2:57 p.m.

**CLOSED SESSION (Continued):**

23) **Public Employee Appointment**  
**Government Code Section 54957**  
**Title: Director County of San Benito Health and Human Services Agency**  
*No reportable action was taken. File #235.6*

24) **Conference with Legal Counsel-Existing Litigation**  
**(Subdivision (a) of Section 54956.9)**  
**Name of Case: County of San Benito & County of San Benito Deputy Sheriff's Association, Case No. NB 3392, CSMCS No. ARB-11-0403/LDF 11-1934**  
**BOARD ACTION:** *The Board accepted a settlement agreement between the County and Deputy Sheriff's Association (DSA) and the deputy involved. The settlement agreement resulted in the reduction of discipline and the payment of back pay and a mutual release between both the County and other parties involved. (Unanimous) File #235.6*

25) **Public Employee Evaluation**  
**Government Code Section 54957**  
**Title: County Administrative Officer**  
*The matter was not continued to a future date and was not considered by the Board that day. File #235.6*

\* \* \* \* \*

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Botelho, Rivas, Muenzer, Barrios, De La Cruz  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 2:59 p.m. to August 21, 2012 at 9:00 a.m.

**JAIME DE LA CRUZ, CHAIR**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board